



# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

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**Mitchell E. Daniels, Jr., Governor**  
**Karl B. Browning, Commissioner**

December 18, 2006

**RE: Suspension and Debarment Regulation Changed**

Dear INDOT Contractor:

Recently, the United States Department of Transportation (DOT) adopted an amendment to 49 CFR 29.220 that no longer allows suspended or debarred firms to be awarded lower-tier subcontracts on federal-aid projects. Under the new rule, no suspended or debarred firm may participate in a subcontract, under a non-procurement transaction, that is expected to equal or exceed \$25,000. Suspended or debarred contractors continue to be precluded from receiving prime contracts. This rule went into effect on November 24, 2006.

As a result of this new rule, no contractor, supplier, consultant or its agent or representative may participate in any transaction, regardless of tier, with a suspended or debarred firm under a nonprocurement transaction that is expected to equal or exceed \$25,000. A list of suspended or debarred firms, known as the Government Excluded Party Listing System, is maintained by the General Services Administration and can be accessed online at <http://www.epls.gov/>.

You may search for individual firms by typing the name of the company in the box located in the upper left corner of the page. You can get a list of all firms debarred by the DOT by clicking "Advanced Search" on the upper left corner of the page. Under "Agency" scroll down and select "DOT-FHWA" and under "State" scroll down and select "INDIANA." This advanced search will show all companies and individuals currently suspended or debarred. Click on the company or the name of the individual for more information about their status.

It is the contractor's affirmative obligation to ensure that the person it intends to do business with is not excluded or disqualified. The contractor can do this by checking the Government Excluded Party Listing System, collecting a certification from the person, or adding a clause or condition to the transaction with the person.

If a contractor enters into a transaction with a firm that is on the Government Excluded Party Listing System for a federal-aid contract that is equal or above \$25,000 after November 24, 2006, INDOT may terminate its transaction with the prime contractor and refer the prime contractor to INDOT's Prequalification Committee. To ensure compliance with the new provision in 49 CFR §29.220 for all federal-aid contracts, INDOT will instruct all of its project engineers to monitor compliance. Compliance with the new rule also will be monitored through the subcontract approval process.

Should you have questions regarding the recent change in the federal rules regarding suspended or debarred firms, please contact Jack Riggs, Claims Administrator and Attorney for INDOT's Construction Management Division, at (317) 232-5324.

Sincerely,

Mark A. Miller  
Director of Construction Management